

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PALM BEACH DIVISION**

Case No.:

JONATHAN LEE REIGROD,
An Individual,

Plaintiff,

v.

GARBER DELRAY INC.,
d/b/a DELRAY BUICK GMC,
A Florida Corporation,

Defendant.

DECLARATION OF ROBERT W. MURPHY
AS TO REASONABLE ATTORNEY'S FEES

THE UNDERSIGNED, Robert W. Murphy, hereby declares pursuant to hereby declares pursuant to 28 U.S.C. §1746, as follows:

1. I am an attorney licensed to practice law in the State of Florida and have been a member of the Florida Bar for over 35 years. I regularly practice in the state and federal courts and am familiar with the fees charged by attorneys in consumer litigation matters.

2. I am familiar with the attorney's fees generally charged by and awarded to attorneys for professional services rendered in consumer law matters similar to the instant case.

3. I am aware that Joshua Feygin ("Attorney Feygin") and Darren R. Newhart ("Attorney Newhart"), counsel for Plaintiff in this cause, are seeking an hourly rate of \$350 and \$400 per hour respectively. I believe that those rates are reasonable and customary in South Florida for attorneys with the experience of Attorney Feygin and Attorney Newhart. With respect to Attorney Feygin, I believe that his special expertise in auto dealership litigation would support a

higher rate, possibly as high as \$450 an hour, but in light of his proffered rate of \$350 an hour, I will defer to Attorney Feygin.

4. I have reviewed Attorney Feygin's time records in this matter, and I have found that the time he expended or will expend is reasonable and customary for the services rendered by Attorney Feygin and other attorneys for this type of lawsuit. I did not review the time records of Attorney Newhart and assumed that his involvement in the litigation was minimal.

5. I have considered, in addition to the matters above, the following factors under *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985), in arriving at my opinion as to what a reasonable attorney's fee is:

- A. The time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly.
- B. The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.
- C. The fee customarily charged in the locality for similar legal services.
- D. The time limitations imposed by the client or by the circumstances.
- E. The amount involved and the results obtained.
- F. The nature and length of the professional relationship with the client.
- G. The experience, reputation and ability of the lawyer or lawyers performing the services.
- H. Whether the fee is fixed or contingent.

6. Based on the above factors, a reasonable lodestar for Attorney Feygin's work is


\$5,215. The aforementioned figure is based on 14.9 hours expended at an hourly rate of \$350.00. I deducted 1.8 hours for preparation of jury instructions as I believed that the work was unnecessary.

. 7. Based on the above factors, a reasonable lodestar for Attorney Newhart's work is \$560. The aforementioned figure is based on 1.4 hours expended at an hourly rate of \$400. I deducted 0.5 hours for the lack of time-keeping details.

8. I have no interest in the outcome of this litigation or employed by any party hereto.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 8th day of February 2023 in Charlottesville, Virginia.


ROBERT W. MURPHY